

December 5, 2008

VIA Email to: [LWU@idem.in.gov](mailto:LWU@idem.in.gov)

Mr. Lawrence Wu, Chief  
Rule Development Section  
Office of Water Quality  
Indiana Department of Environmental Management  
Indiana Government Center North, 12<sup>th</sup> Floor  
100 N. Senate Avenue  
Indianapolis, IN 46204

RE: Comments on Proposed Nonrule Policy Document W-017

Dear Mr. Wu:

The following comments are submitted on behalf of our client, the City of Fort Wayne, Indiana.

Proposed nonrule policy document W-017 (NPD) is problematic because, as proposed by IDEM, it is likely to lead to erroneous conclusions for some CSO communities as to the amount of "dry weather" flow through their POTWs.

The NPD is designed to provide guidance to IDEM Water Compliance staff in applying the state Sewer Ban rule's Early Warning notice for CSO communities. It describes a procedure for performing a "Capacity Analysis Evaluation" to determine available hydraulic capacity of a CSO community's POTW under "dry weather" conditions.

The troublesome concept employed in the proposed NPD is its working definition of "dry weather flows". This concept does not appear in the Definitions section of the NPD but rather is located within "Step 2" of the procedures for capacity analysis on page 4 of 5. The dry weather flow is there indicated to be "those flows occurring 4 or more days after a precipitation event."

The NPD does not explain the technical basis for this conceptual definition. A closely related definition that does appear in the NPD's definitional section is for "dry weather overflows," which is stated as: "overflows that occur 4 or more days after a precipitation event." Again, it is a matter of concern that there is no discussion of the data upon which this definition is based.

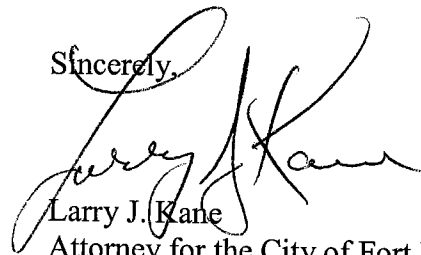
The City respectfully suggests that the technical basis for the NPD would be substantially enhanced if IDEM were to include some discussion and summary of the technical information that has led it to conclude that in most cases, a four-day period is sufficient for wet weather flows to abate following a precipitation event. Does the data, for example, include situations of extended wet weather and correspondingly high water tables? Rather than using a uniform 4-day time limit for wet weather flows through a wastewater treatment facility, it seems that the criterion for dry weather flows needs to be, at minimum, better explained, and perhaps reevaluated and/or left as a site-specific datum to be developed for each CSO community.

More importantly, whatever the technical basis of the 4-day criterion for wet weather flows within a combined sewer system as provided by the draft NPD, the draft NPD does not seem to have contemplated the longer term effect on POTW flows that may result from wet weather storage systems in use by a CSO community, such as those employed by the City of Fort Wayne, from which excess wet weather flows are (or will be) pumped back into the sewer system for treatment at the community's wastewater treatment facility after wet weather flows subside. Fort Wayne, for example, uses a large pond for storage of wet weather overflows from a portion of its combined sewer system and then transports the stored combined sewage to the wastewater treatment facility for treatment as its hydraulic capacity allows. It is certainly conceivable that more than four days are sometimes required to draw down the storage capacity of this wet weather pond. The uniform application of a 4-day limit on wet weather-influenced flows to a POTW can be expected to lead to erroneously high values for "dry weather flows" for such CSO communities.

Thus, the City respectfully requests that the draft NPD be revised to take into account the use by some CSO communities of wet weather storage facilities, whether basins, tunnels, or similar facilities (or that will have such wet weather storage facilities in the future pursuant to implementation of LTCPs).

Consideration of the foregoing comments by the Office of Water Quality will be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry J. Kane", is written over the word "Sincerely,".

Larry J. Kane  
Attorney for the City of Fort Wayne

cc: Mary Ann Stevens  
Brandi Wallace